

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 2.106 of the) ET Docket No. 95-18
Commission's Rules to Allocate) RM-7927
Spectrum at 2 GHz for Use) PP-28
by the Mobile-Satellite Service)

MAY 20 1997

**REQUEST FOR CLARIFICATION
OF THE
MSS COALITION**

Celsat America, Inc. ("Celsat"), COMSAT Corporation ("COMSAT"), Hughes
Space and Communications International ("Hughes"), ICO Global Communications
("ICO"), and Personal Communications Satellite Corporation ("PCSAT")¹ (collectively,
"MSS Coalition"), by their attorneys submit this request for clarification in response to
the Commission's March 14, 1997 order ("Order") in the above-referenced proceeding.²

**I. THE COMMISSION SHOULD CLARIFY THAT MOBILE
SATELLITE SERVICE AND FIXED SERVICE
OPERATIONS CAN COEXIST SO LONG AS THERE IS NO
"HARMFUL" INTERFERENCE**

The Commission properly provides for sharing of the spectrum at 2165-2200
MHz by primary Fixed Service ("FS") licensees and Mobile Satellite Service ("MSS")

¹ PCSAT is a wholly owned subsidiary of American Mobile Satellite Corporation.

² *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz
for Use by the Mobile-Satellite Service*, FCC 97-93 (rel. Mar. 14, 1997) ("Order").

operators, so long as a “harmful” level of interference does not result.³ In a few places in the Order, however, the Commission refers to an “unacceptable” level of interference.⁴ Although it appears that no different standard is intended by this language, the MSS Coalition seeks clarification that this is the case.

Pursuant to the Commission’s rules, establishing “harmful interference” entails interference that “seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with these Radio Regulations.”⁵ As such, “harmful interference” must be based on actual interference and not just theoretical interference. “Unacceptable interference” is not defined in the Commission’s rules.

As the Order indicates,⁶ the rules for sharing in the MSS downlink band incorporate the harmful interference standard established for sharing between emerging technologies and incumbent microwave licensees in the 2 GHz band.⁷ Nevertheless, the

³ Order at ¶ 42 (“Our rules do not require relocation of incumbents unless and until the incumbents will receive harmful interference from, or cause harmful interference to, a new technology service.”).

⁴ See, e.g., *id.* (“If a specific FS operation does not receive *unacceptable* levels of interference until several years after the beginning of MSS operations, MSS will not be required to relocate the FS licensee until after that interference occurs.”) (emphasis added).

⁵ 47 C.F.R. § 2.1.

⁶ Order at ¶ 42.

⁷ See *Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies*, 7 FCC Rcd 6886, 6890 (1993) (“When specific services are allocated in these bands we will adopt specific interference standards to allow for the sharing of this spectrum. These standards will protect operations of incumbent licensees from *harmful interference* caused by operations of emerging technology licensees.”) (emphasis added).

Commission should confirm that the level of interference at which sharing between MSS satellite emissions in the MSS downlink band of 2165-2200 MHz and primary FS licensees is precluded is “harmful,” not “unacceptable.” Stated otherwise, the Commission should clarify that wherever it used the term “unacceptable interference” in the Order, it intended this to be synonymous with “harmful interference.”

CONCLUSION

Accordingly, the Commission should confirm that the level of interference at which sharing between MSS satellite emissions in the MSS downlink band of 2165-2200 MHz and primary FS licensees is precluded is "harmful," and that the term "unacceptable" was intended to be synonymous with "harmful."

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CERTIFICATE OF SERVICE

I, Kimberly E. Thomas, do hereby certify that the foregoing **REQUEST FOR CLARIFICATION OF THE MSS COALITION** was hand delivered on this 22th day of May, to the following:

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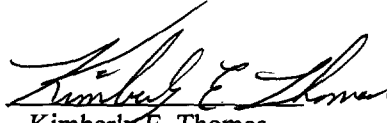
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